REMARKS

This is a full and timely response to the non-final Office Action mailed by the U.S. Patent and Trademark Office on November 26, 2008. Claims 1-7, 9-15, 17-23 and 25 remain pending in the present application. Claims 8, 16 and 24 are canceled without prejudice, waiver or disclaimer.

Claims 1, 9, 17 and 25 have been amended to define further the invention. Support for the amendments to claims 1, 9, 17 and 25 can be found at least in FIG. 1, 2, 3, 5A, 5B, 6A, 6B, 6C, 7A 7B, and in paragraphs 0028, 0035, 0040, 0048, 0053, 0061, 0062, 0071, 075, 0085, 0086, 0090, 0092. Claim 4 is amended to comply with35 U.S.C. § 112, second paragraph. Claims 2-7, 11-15 and 20-23 are amended to provide proper antecedent basis. Applicants respectfully submit that no new matter is introduced. In view of the foregoing amendment and following remarks, reconsideration and allowance of the present application and claims are respectfully requested.

Rejection Under 35 U.S.C. § 112

Claim 4 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Office Action states that "[r]egarding claim 4, is "the communication network" referred to "a first communication network" or "a second communication network" or both the first and second communication networks in claim 1?"

Applicants have amended claim 4 to particularly define the first communication network and the second communication network. Applicants respectfully submit that claim4 is in compliance with 35 U.S.C. § 112, second paragraph, and respectfully request that the rejection be withdrawn.

Double Patenting

Claims 1-7, 9-15, 17-23 and 25 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 9, 11, 12, 15 and 17 of U.S. Patent No. 7,295,577.

Applicants submit herewith a terminal disclaimer over U.S. Patent No. 7,295,577, and respectfully request that the double patenting rejection be withdrawn.

Rejection Under 35 U.S.C. § 103

Claims 1-7, 9-15, 17-23 and 25 stand rejected stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,839,342 to Parham *et al.* (hereafter *Parham*) in view of U.S. Patent No. 6,456,845 to Drum *et al.* (hereafter *Drum*). For a claim to be properly rejected under 35 U.S.C. § 103, "[t]he PTO has the burden under section 103 to establish a *prima facie* case of obviousness. In order to make a proper *prima facie* case of obviousness; three basic criteria must be met, as set forth in MPEP § 706.02(j). First, there must be some suggestion or motivation; either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure.

Regarding the requirement to teach or suggest all the claim limitations, MPEP § 2143.03 states "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). 'All words in a claim must be considered in judging the patentability of that claim against the prior art.' *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Without conceding the propriety of the asserted combination or whether one of ordinary skill would have been motivated to make the asserted combination for the alleged reasons, Applicant respectfully submits that the asserted combination does not disclose, teach or suggest Applicant's claimed system and method for remotely correlating and displaying dissimilar terrestrial communication protocol identifiers in real time.

Parham discloses a communication network that uses a number of active elements, such as a gateway 18, a switch 16 and a softswitch 26, to transport telephone calls through a TDM network and a BLES (broadband loop emulation service) network. The elements

disclosed in *Parham* are active network communication elements and therefore, intrinsically have information relating to the communication messages because this is where the messages are being created.

Specifically, *Parham* states:

> [i]n operation, Class 5 softswitch 26 receives signaling information in a network signaling format from signaling network 24. Signaling network 24 is shown using an SS7 network signaling format example but may be configured to use any of a variety of signaling protocols to include international signaling configurations such as the C7 signaling protocol and other signaling protocols such as SIP, SIP-T, BICC, and Sigtran. Class 5 softswitch converts the signaling information received in the network signaling format from signaling network 24 to a media gateway and call session control format. The media gateway and call session control format may be any of a variety of such formats including those specified above. The media gateway and call session control format is provided to gateway 18 for conversion to the desired broadband loop emulation service signaling protocol and passed on to IAD 20 at customer premises 22 through BLES network 14.

See *Parham*, col. 2, lines 47-63.

From this it is clear that *Parham* requires that the device that performs the conversion from one protocol to another protocol be an active element in the communication network.

Further, while *Parham* does describe the flow of messages between network devices, *Parham* does not teach how the signaling messages of any given call are associated, or present any technique of using information to achieve an association (correlation) of one protocol message to a different protocol's message to characterize a single call. Indeed, the Office Action states that "Parham does not disclose the correlation data characterizes a single call." Office Action, page 6. the Office Action then relies on *Drum* to remedy the failure of *Parham*.

Drum discloses the correlation of signaling messages generated and communicated between a BSS air-interface and an MSC (e.g., DTAP and BSSMAP) with those signaling messages typically associated with the SS7 protocol (e.g., ISUP, TCAP and MAP). See *Drum*, col. 3, lines 60-64. *Drum* also states

> [f]or instance, BSS 104 communicates with GMSC node 106 using both direct transfer application protocol (DTAP) and base station system management application protocol (BSSMAP) signaling protocol messages which may be transmitted over inter-connecting communication links using a transport protocol suite such as the signaling system 7 (SS7) message transfer part (MTP) protocol. GMSC 106, in turn, communicates with HLR node 108

and AuC node 110 using mobile application part (MAP) signaling protocol messages which may be also transmitted over signaling links using an SS7 MTP transport protocol suite.

See *Drum*, col. 2, lines 28-38.

From this it seems apparent that *Drum* is attempting to correlate signaling messages between an air-interface communication link (DTAP and/or BSSMAP), such as GSM, and a terrestrial communication link (MAP), which both use the SS7 protocol suite. See *Drum*, col. 2, lines 28-38.

Further, *Drum* requires that all the correlation data between the air-interface communication link (DTAP and/or BSSMAP), and the terrestrial communication link (MAP), be available within the signaling messages. *Drum* teaches how data from a first signaling message is used to locate and correlate another signaling message within the monitoring system.

In marked contrast to the proposed combination, the present invention discloses a remote monitoring system and methods of operation that are used to correlate the multiple protocols remotely from the active network devices over two communication networks, where external correlation key data is provided to the analysis device, and where the external correlation key data is separate from the signaling messages.

For example, amended claim 1 includes at least "an analysis device remote from and coupled to the first communication network and to the second communication network, the analysis device configured to passively detect *external* correlation *key* data identifying a first call portion associated with the first communication protocol, and configured to passively detect *external* correlation *key* data identifying a second call portion associated with the second communication protocol, *the external correlation key data obtained by the analysis device, the external correlation key data characterizing a signaling message related to the first communication protocol and characterizing a signaling message related to the second communication protocol, where the external correlation key data is separate from the signaling message related to the first communication protocol and the signaling message related to the second communication protocol*, where the *external* correlation *key* data comprises information identifying the first communication protocol and the second communication protocol, and wherein the *external* correlation *key* data is detected in real

time and characterizes a single call." Applicants respectfully submit that at least these features are not disclosed, taught or suggested by the proposed combination.

Amended claim 9 includes at least "passively detecting in the analysis device *external* correlation *key* data identifying a first call portion associated with the first communication protocol, and a second call portion associated with a second communication protocol, *the external correlation key data obtained by the analysis device, the external correlation key data characterizing a signaling message related to the first communication protocol and characterizing a signaling message related to the second communication protocol, where the external correlation key data is separate from the signaling message related to the first communication protocol and the signaling message related to the second communication protocol*, where the *external* correlation *key* data comprises information identifying the first communication protocol and the second communication protocol, and wherein the *external* correlation *key* data is detected in real time and characterizes a single call." Applicants respectfully submit that at least these features are not disclosed, taught or suggested by the proposed combination.

Amended independent claim 17 includes at least "logic for passively detecting in an analysis device remote from and coupled to the at least two dissimilar communication networks *external* correlation *key* data identifying a first call portion associated with the first communication protocol, and a second call portion associated with a second communication protocol, *the external correlation key data obtained by an analysis device, the external correlation key data characterizing a signaling message related to the first communication protocol and characterizing a signaling message related to the second communication protocol, where the external correlation key data is separate from the signaling message related to the first communication protocol and the signaling message related to the second communication protocol*, where the *external* correlation *key* data comprises information identifying the first communication protocol and the second communication protocol, and wherein the correlation data is detected in real time and characterizes a single call." Applicants respectfully submit that at least these features are not disclosed, taught or suggested by the proposed combination.

Amended independent claim 25 includes at least "an analysis device remote from and coupled to the first communication network and to the second communication network, the

analysis device configured to passively detect *external* correlation *key* data identifying a first call portion associated with the first communication protocol, and configured to passively detect *external* correlation *key* data identifying a second call portion associated with the second communication protocol, *the external correlation key data obtained by an analysis device, the external correlation key data characterizing a signaling message related to the first communication protocol and characterizing a signaling message related to the second communication protocol, where the external correlation key data is separate from the signaling message related to the first communication protocol and the signaling message related to the second communication protocol*, where the *external* correlation *key* data comprises information identifying the first communication protocol and the second communication protocol, wherein the *external* correlation *key* data is passively detected in real time, and wherein the first communication protocol is SS7 and the second communication protocol is internet protocol (IP)." Applicants respectfully submit that at least these features are not disclosed, taught or suggested by the proposed combination.

Applicants also respectfully disagree with the statement in the Office Action that:

> In claims 4, 12 and 20, Parham et al. discloses the correlation data is supplied to an analysis device (gateway 18) that is coupled to the communication network, (communication network 20 in fig. 2) and wherein the correlation data is supplied by a customer provided communication device (from customer premises 22 as shown in fig. 2).

Applicants respectfully submit that the gateway 18 shown in *Parham* is not an analysis device, but is instead active communication network equipment. Applicants' analysis device is a separate monitoring device that is separate from the equipment that creates and transports the communication data. Further, Applicants' separate analysis device correlates dissimilar telecommunications signaling data to characterize a single call.

Accordingly, Applicants respectfully submit that independent claims 1, 9, 17 and 25 are allowable over the proposed combination, and furthermore, that dependent claims 2-7, which depend either directly or indirectly from allowable independent claim 1, claims 10-15, which depend either directly or indirectly from allowable independent claim 9, and claims 18-23, which depend either directly or indirectly from allowable independent claim 17, are allowable for at least the reason that they depend from allowable independent claims. *In re*

Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1998).

CONCLUSION

For at least the foregoing reasons, Applicants respectfully request that all outstanding rejections be withdrawn and that all pending claims of this application be allowed to issue. If the Examiner has any comments regarding Applicants' response or intends to dispose of this matter in a manner other than a notice of allowance, Applicants request that the Examiner telephone Applicants' undersigned attorney.

Respectfully submitted,

Smith Frohwein Tempel Greenlee Blaha LLC
Customer No. 35856

By: /Michael J. Tempel/
Michael J. Tempel
Registration No. 41,344
(770) 709-0056